

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SUPPLEMENTAL AFFIDAVIT OF DEFENDANT

I, Darren Franklin, make the following statement under the pains and penalties of perjury:

1. I am the defendant in the above-entitled case, and I make this supplemental affidavit in support of Defendant's Motion to Suppress Evidence. This affidavit is based upon my personal knowledge of the facts and circumstances set forth herein.

2. After I was arrested in the early morning hours of April 15, 2004, one of the police officers asked me what I was doing when I came down to my car during the night. I did not tell the officer, as he claimed, that there was a "little weed" in a bag in the trunk of my car. I did tell him that I had come down to my car during the night to smoke some "weed" because my girlfriend would not let me do it in the apartment. I told him that the bag I had put in the trunk contained my sneakers.

3. When the officer asked me if I would consent to a search of the car, I said that I would not consent. The officer then said that they could have the car towed until they got a search warrant. At that point, I said: "Do what you got to do." I

never said that he could search the car.

4. I never told the officer that I had put the marijuana in the car because I "knew the cops were coming." If I had known the cops were coming I would never have waited around.

Sworn to and subscribed this ____ day of January, 2004.

*s/Darren Franklin
Darren Franklin

* A SIGNED AFFIDAVIT WILL BE SUBSTITUTED AT OR PRIOR TO HEARING ON MOTION.